

Drug Policy

CONDITIONS FOR TESTING

Drug and/or alcohol testing are required under the following circumstances.

- Applicant testing as a condition of employment
- Promotion
- Random testing for designated positions
- Reasonable suspicion
- Post-accident
- Return to duty and follow up

Applicant Testing As a Condition of Employment

The final applicant selected for each full-time or part-time position must take a drug test and show a negative result within the eight (8) weeks prior to being hired. The final applicant for a limited part-time or temporary position may also be required to take a test as approved by the Human Resources Director. Applicants for positions requiring a CDL must also take a drug and alcohol test.

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DOT regulations require that prior employers supply a new employer with the employee's previous testing information for any position requiring a CDL. The new employer must make a good faith effort to obtain the information. Departments should consult Human Resources for guidance in obtaining this information.

The department director or designee is to schedule an appointment for the test at Novant Health Urgent Care and notify the individual to be tested on the morning of the day the test is scheduled. (Refer to Attachment A at the end of this section.) Without authorization from the department director, applicants who cancel their appointment or fail to show up for a substance abuse test will no longer be considered for employment. There are no exceptions to these conditions.

In the event of a positive drug test result, the applicant may request a retest within seventy-two (72) hours of receipt of the test result. The applicant must contact Novant Health Urgent Care to make the request. The retest is performed on the initial specimen given by the applicant at a DHHS/SAMHSA certified laboratory. The retest is at the applicant's expense. If the retest is negative, the County will reimburse the applicant the amount charged for the test.

Applicants who test positive for drugs or alcohol will not be considered for employment and may be disqualified from further consideration for County employment.

Revised: March 1, 2011	Revised: July 1, 2014	
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Promotion

An employee must take a drug test and have a negative result prior to a promotion to any position. A drug test will also be required before any existing employee in a non-DOT regulated position will be assigned, transferred, or promoted to any DOT regulated position or otherwise permitted to operate a CMV on behalf of the County for the first time.

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Random Testing For Designated Positions

The Human Resources Director will identify and recommend for approval by the County Manager positions for random testing. Some jobs are required by State or Federal regulations for random testing, for example, law enforcement, safety-sensitive, and positions requiring a CDL.

When these positions are identified, the department director must notify the affected employees in writing. The list of approved positions for random testing is available upon request from Human Resources.

Employees in these jobs will be subject to random, unannounced drug and/or alcohol tests. The rate of random selection will be a percentage of the annual average number of employees.

Employees selected for random testing will be notified verbally by the supervisor or manager or designee and the appointment time will be communicated. If no appointment is scheduled, the employee will be given the appropriate paperwork and directed to make a “drop-in” visit to one of the five Novant Health Urgent Care locations. The employee must make the “drop-in” visit within two hours of being notified of the random drug test.

Without a valid excuse confirmed in writing by the department director, an employee's failure to appear for testing will be considered refusal to participate in testing and will constitute grounds for termination. The employee will not be considered for reemployment for at least one year from the date of the scheduled test.

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Reasonable Suspicion

Supervisors and managers will receive training on how to determine when reasonable suspicion exists for drug and alcohol testing. When a supervisor or manager has a reasonable suspicion that an employee is impaired and would be incapable of safely performing their assigned duties and responsibilities, they will arrange for another supervisor or manager to verify their reasonable suspicion. Reasonable suspicion is that quantity of proof or evidence that is more than intuition or strong feeling. Reasonable suspicion must be based on specific observations concerning the appearance, behavior, speech, and/or body odors of the employee. Observations supporting reasonable suspicion include but are not limited to any one or more of the following:

1. Direct observation of prohibited drug or alcohol use
2. Slurred speech
3. Alcohol beverage odor on breath
4. Unsteady walking and movement
5. An accident involving County property
6. Physical altercation
7. Verbal altercation
8. Lapse in cognitive abilities
9. Aggressive, hostile, threatening, disruptive, or unusual behavior
10. Report of prohibited drug or alcohol use by a reliable and credible source
11. Evidence that the employee is involved in the use, possession, sale, solicitation, or transfer of prohibited drugs

These observations must be personally observed and documented by at least one (1) supervisor or manager who has received training covering the physical, behavioral, speech, and performance indicators of probable drug and/or alcohol use. The supervisor or manager will contact the Human Resources Director or designee before scheduling the test for the employee.

After notifying the Human Resources Director or designee, the supervisor or manager will direct the employee to a confidential area away from other employees and will verbally inform the employee that a reasonable suspicion test is an obligation and refusal to submit to such testing will result in termination. If the employee agrees to take the test, the employee will be informed that they are suspended from work with pay and will be notified whether or not and under what circumstances they will be permitted to return to work. It is the responsibility of the supervisor or manager to transport the employee to Care or to the County-designated facility for testing. If the employee refuses to take the test, the Novant Health Urgent employee will be terminated and will be notified in writing by the department director. Arrangements will be made to have the employee taken home. The employee will not be allowed to drive. If the employee insists on driving, inform the police and/or building security immediately and attempt to delay the employee until law enforcement personnel arrive. The supervisor or manager must immediately inform their

department director or designee of the request for the substance abuse test. After the test is completed, the supervisor or manager should arrange to have the employee taken home unless the employee is admitted to a hospital.

The supervisor or manager must complete a Mecklenburg County [Reasonable Suspicion form](#). If the employee refuses to be tested, it should be noted on the form. The completed form should be forwarded to the Human Resources Director marked PERSONAL AND CONFIDENTIAL no later than the close of business on the day of the occurrence. The department director will ensure that the employee receives a copy of this form or any other supporting documentation relevant to the incident.

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When a supervisor or manager is making observations about an employee holding a CDL concerning alcohol, these observations must be made just before, during, or just after the driver performs a safety-sensitive function. Alcohol tests should be administered within two (2) hours of the observation. If unable to test within the two (2) hour period, the County must document the reason for the time delay. If this test is not performed within eight (8) hours, the County will cease attempts to administer the test and document the reason(s) why the test was not conducted.

If reasonable suspicion is observed and a test has not yet been performed, the employee will not perform a safety-sensitive function until an alcohol test has been performed and the result is less than 0.02 or twenty-four (24) hours have passed following the reasonable suspicion determination.

Drug testing should be administered as soon as possible after making a reasonable suspicion determination. The documentation of the employee's conduct must be prepared and signed by a witness within twenty-four (24) hours of the observed behavior, or before the results of the drug test are released, whichever is earlier. If unable to drug test within thirty-two (32) hours, the County must cease attempts and document the reason(s) why the test was not conducted.

Post-accident

Employees will be tested for the presence of drugs and alcohol following an on the job accident or other occurrence that involves one or more of the following events:

1. A fatality

2. An injury to an employee or other individual
3. Substantial damage to vehicles
4. Substantial damage to other property
5. The employee receives a citation under state or local law for a moving traffic violation arising from the accident.

Employees may also be tested after a series of minor on-the-job accidents or injuries as determined by the department director.

Following an accident, the employee must report immediately to Novant Health Urgent Care for drug and/or alcohol testing unless the employee is hospitalized for injuries. If the employee is unable to report, arrangements will be made to have the testing conducted at the appropriate medical facility to which the employee has been admitted.

An employee who is performing a DOT safety-sensitive function must submit to a post-accident drug and alcohol test as soon as possible after any occurrence that meets the description of a DOT accident. A DOT accident is defined as an occurrence involving a CMV operating on a public road in commerce which results in:

1. A loss of human life
2. The driver receiving a citation under State or local law for a moving traffic violation arising from the accident if the accident involved bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; and/or one or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

An employee may be directed to submit to a drug and/or alcohol test at the accident scene by a Federal, State, or local law enforcement officer. Whenever a test is conducted by a law enforcement officer, the employee is required to immediately contact their supervisor or manager or other County official to report the test result and to provide the County with the name, badge number, and telephone number of the law enforcement officer who conducted the test. Whenever an employee is involved in a DOT accident and is not tested for drugs and/or alcohol by the law

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enforcement official, the employee is required to immediately report to Novant Health Urgent Care for testing. The procedures should be followed as detailed on the employee's post-accident checklist, which every DOT regulated employee is given at the time they are hired.

Post-accident drug and alcohol tests will be administered as soon as possible, but not more than eight (8) hours following the time of the accident. An alcohol test for a DOT accident should be administered within two (2) hours of an accident. If unable to test within the two (2) hour time period, the County must document the reason(s) for the time delay. If the test is not performed within eight (8) hours, the County will cease attempts to administer the test and document the reason(s) why the test was not conducted. The employee must refrain from consuming alcohol for eight (8) hours following an accident or until the alcohol test has been completed, whichever comes first. A drug test for a DOT accident should be administered within thirty-two (32) hours after an accident. If the test was not performed within thirty-two (32) hours, the County will cease attempts and prepare and maintain a record stating the reason(s) why the test was not conducted. The employee must remain available for drug and alcohol testing or it may be considered a refusal unless the employee is seriously injured.

Return to Duty and Follow Up

Employees who have voluntarily removed themselves from their job duties and followed recommended rehabilitation for substance abuse must submit to and furnish a negative drug and/or alcohol test result prior to returning to duty. The result of an alcohol test must be less than 0.02. The return-to-duty test may not be limited to a specific substance. If the substance abuse professional determines that a multiple substance abuse problem exists, a drug test may be performed in conjunction with an alcohol test. This test must be completed after an evaluation by a substance abuse professional and before returning to duty.

Employees who have undergone voluntary treatment for substance abuse will be subject to random, unannounced drug and/or alcohol tests six (6) times a year for a period of up to five (5) years, as a condition of continued employment. The SAP may terminate the requirement for the follow-up testing at any time after the first six (6) tests have been administered, if the SAP determines that such testing is no longer necessary.

DRUG TESTING PROCEDURES

Current Employees and Applicants for DOT Regulated Positions

All drug tests for current employees and applicants for DOT regulated positions will be conducted from urine specimens collected by the medical staff at Novant Health Urgent Care or at a County-designated facility. The specimen will be analyzed by a DHHS/SAMHSA certified laboratory for the following drugs:

Amphetamines	Cannabinoids (Marijuana)
Cocaine	Phencyclidine (PCP)
Opiates	

Novant Health Urgent Care and the approved laboratory will, at a minimum, follow effective quality control procedures and use instrumentation recommended by DHHS/SAMHSA. All urine specimens will undergo initial Immunoassay Test (IT). If any of the above listed substances are

detected on the initial screening by the IT, the specimens will be confirmed through a Gas Chromatograph/Mass Spectrometer (GC/MS) test. The test results will be confidentially reported to the County's Medical Review Officer (MRO), Novant Health Urgent Care medical staff and the Human Resources Director or designee.

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If an applicant or employee engages in conduct that clearly obstructs the testing process, it will be considered a refusal to take a drug test. A refusal to submit to a drug test will have the same consequences as a verified positive drug test result. If the drug test result is reported as adulterated, it will be considered as obstructing or interfering with the testing process and will have the same result as a verified positive drug test result. Insufficient specimen without valid medical explanation by the MRO has the same result as refusal to submit to testing.

Applicants for Non-DOT Regulated Positions

All drug tests for applicants for non-DOT regulated positions will be conducted from urine specimens collected by the clinical staff at Novant Health Company Care or at another County-designated facility. The specimen will be analyzed by a DHHS/SAMHSA certified laboratory for the following drugs:

Amphetamines	Cannabinoids (Marijuana)
Barbiturates	Methadone
Benzodiazepine	Methamphetamines
Cocaine	Phencyclidine (PCP)
Opiates	

Test results will be confidentially reported to the County's Medical Review Officer and the Human Resources Director or designee.

If a test result is positive, the specimen will follow a chain of custody to a certified DHHS/SAMHSA laboratory for verification of positive result.

If an applicant engages in conduct that obstructs the testing process, it will be considered a refusal to take a drug test. A refusal to submit to a drug test will be treated as a confirmed positive drug test result. If the drug test result is reported as adulterated, it will be considered as obstructing or interfering with the testing process and will be treated as a confirmed positive drug test result. Insufficient specimen without valid medical explanation by the MRO will be treated as a refusal

to submit to testing.

Applicants for DOT Regulated Positions

Applicants for DOT regulated positions will be conducted from urine specimens collected by the clinical staff at Novant Health Company Care or at another County-designated facility. The specimen will be analyzed by a DHHS/SAMHSA certified laboratory for the following drugs:

Amphetamines	Cannabinoids (Marijuana)
Cocaine	Phencyclidine (PCP)
Opiates	

Novant Health Company Care and the approved laboratory will, at a minimum, follow effective quality control procedures and use instrumentation recommended by DHHS/SAMHSA. All urine specimens will undergo initial Immunoassay Test (IT). If any of the above listed substances are detected on the initial screening by the IT, the specimen will not be considered positive. That specimen will then be subjected to a confirmatory test utilizing Gas Chromatography-Mass Spectrometry (GC/MS). The test results will be confidentially reported to the County's Medical Review Officer (MRO) and the Human Resources Director or designee.

If an applicant or employee engages in conduct that obstructs the testing process, it will be considered a refusal to take a drug test. A refusal to submit to a drug test will be treated as a confirmed positive drug test result. If the drug test result is reported as adulterated, it will be considered as obstructing or interfering with the testing process and will be treated as a verified

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positive drug test result. Insufficient specimen without valid medical explanation by the MRO will be treated as a refusal to submit to testing.

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POSITIVE DRUG TEST RESULTS

The results of a positive drug test shall not be released until the test is verified.

In order to provide privacy and confidentiality to the greatest extent possible, all positive drug test results will be sent to the County's Medical Review Officer. When a positive result is verified, the Medical Review Officer will:

1. Provide the applicant or employee with an opportunity for an interview as part of the verification process,
2. Review applicant or employee medical histories or any other biomedical factors,
3. Review all medical records made available by the tested employee when a confirmed positive test could have resulted from legally prescribed medications.

Applicants and employees who test positive will be given an opportunity to consult with the Medical Review Officer to provide evidence which may justify a positive drug test. Information that may be used to justify a positive result may include, but is not limited to, a valid prescription or over-the-counter medication. After review of the facts and additional information that may be provided by the applicant or employee, the Medical Review Officer will forward the findings to Novant Health Urgent Care medical staff and the Human Resources Director or designee. If an employee is continuing in or returning from a rehabilitation program, any positive test will be reviewed by the Human Resources Director or designee in consultation with a medical provider to determine appropriate actions.

If the Medical Review Officer determines a legitimate medical explanation does exist for a confirmed, positive test result, the test result will be reported as a negative.

Under special circumstances, expanded testing may be performed if approved by the Human Resources Director.

The applicant or employee has the right to request a retest following a verified positive drug test result. The retest is performed on the original specimen. The retest is at the applicant's or employee's expense and will be performed at a DHHS/SAMHSA certified laboratory. If the retest results are negative, the County will reimburse the applicant or employee for the cost of the retest.

If the Medical Review Officer finds no legitimate medical explanation for a positive drug test, the applicant will not be considered for employment and the employee will be discharged. Neither will be eligible for employment with the County and may be disqualified from further consideration for County employment.

Revised: April 22, 1998 Revised: January 2, 2008	Revised: March 1, 2011 Revised: July 1, 2014	
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ALCOHOL TESTING PROCEDURES

All alcohol tests will be conducted from either a saliva or breath specimen collected by Novant Health Urgent Care medical staff or at a County-designated facility.

Employees/applicants who are to be tested for alcohol will report to Novant Health Urgent Care where they will be taken to an area where privacy is assured. They will be asked to provide a breath sample adequate to perform an initial test. If the screening test result reads positive (0.02 or greater), a confirmatory test by breath will be performed. The employee/applicant must remain within sight of the collector for at least fifteen (15) minutes after which the confirmatory test will

Legal Drugs

The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates mental functioning, motor skills or judgment may be adversely affected must be reported to the appropriate supervisor or manager and medical advice must be sought by the employee, as appropriate, before performing work-related duties. This requirement is essential for employees in positions designated as safety-sensitive.

A legally prescribed drug means an individual has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment. It must include the patient's name, the name of the substance, quantity/amount to be taken, and the period of authorization. The misuse or abuse of legal drugs while performing County business is prohibited.

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Alcohol

The use of beverages or other substances containing alcohol is prohibited while on County property, in County vehicles, or while engaged in County business. Alcohol concentration of 0.04 and higher, as measured by an Evidential Breath Testing (EBT) device, is considered positive and is prohibited. All County employees are subject to alcohol testing for reasonable suspicion or for certain post-accident situations, or return-to-duty and follow-up testing for employees returning to work from a voluntary alcohol or substance abuse rehabilitation program.

All DOT regulated drivers are subject to alcohol testing for random, reasonable suspicion, post-accident situations, or return-to-duty and follow-up testing for drivers returning to work from a voluntary alcohol or substance abuse rehabilitation program.

PROHIBITED CONDUCT

The following conduct is expressly prohibited and violations will result in disciplinary action, which may include termination:

1. Unauthorized use, consumption, possession, manufacture, distribution, dispensation or sale of alcohol, controlled substances, illegal drugs or drug paraphernalia on County premises, in County supplied vehicles, or in any County work area. Law enforcement officials shall be notified, as appropriate, where criminal activity is suspected.
2. Being under the influence of an unauthorized or controlled substance, an illegal drug, or alcohol on County premises, in County supplied vehicles, or in any County work area.
3. The use or possession of alcohol or illegal drugs off County premises and while not on duty where such conduct could likely have a direct and material adverse impact on the County's interests, including public image.
4. The conviction for the sale of or possession with intent to sell illegal drugs at any time or place.

Drug Prohibitions

This policy prohibits any drug use that could affect performance of a safety-sensitive function particularly for positions requiring a CDL. Listed below are the prohibitions for drug use.

1. No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the employee uses any drugs, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the employee that the drug will not adversely affect the employee's ability to safely operate a CMV or perform safety-sensitive duties.
2. No supervisor having actual knowledge that an employee has used a controlled substance shall permit the employee to perform or continue to perform a safety-sensitive function.
3. An employer may require an employee, subject to DOT regulations, to inform the employer of any therapeutic drug use.
4. No employee shall report for duty, remain on duty, or perform a safety-sensitive function if the employee tests positive for controlled substances. No employer having actual knowledge that an employee has tested positive for controlled substances shall permit the employee to perform or continue to perform safety-sensitive functions.
5. Refusal to submit to a required controlled substances test.

be performed. During the waiting period, the employee/applicant may not drink any liquid or put any other substance into his/her mouth. A confirmatory test result that reads less than 0.02 will be reported as negative. A confirmatory test reading between 0.02 and 0.039 will result in a rescheduled test for an applicant and removal from safety-sensitive duties for an employee for twenty-four (24) hours or until a retest shows a result of less than 0.02. An employee whose confirmatory test result reads between 0.02 and 0.039 is prohibited from performing safety-sensitive duties until his/her next regularly scheduled work period, but for no less than twenty-four (24) hours.

For DOT regulated positions, alcohol tests must be administered just before, during, and just after performing a safety-sensitive function.

If an employee/applicant engages in conduct that clearly obstructs the testing process, it will also be considered a refusal to take an alcohol test. A refusal to submit to an alcohol test will have the same consequences as a confirmed, positive alcohol test result (0.04 or greater). Insufficient sample without valid medical explanation by the MRO has the same result as refusal to submit to testing.

POSITIVE ALCOHOL TEST RESULTS

A confirmatory test result that reads 0.04 or higher is considered positive and will result in termination for an employee. An applicant whose confirmatory test result reads 0.04 or greater will not be eligible for employment with the County and may be disqualified from further consideration for County employment.

Revised: March 1, 2011	Revised: July 1, 2014	
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PROHIBITED SUBSTANCES

Prohibited substances addressed by this policy include the following:

Illegally Used Controlled Substances or Drugs

Any illegal drug or controlled substance as identified in federal regulations is prohibited. This includes, but is not limited to, marijuana, amphetamines, opiates, phencyclidine (PCP) and cocaine, as well as any drug not approved for medical uses by the United States Drug Enforcement Agency (USDEA) or United States Federal Drug Administration (USFDA). Illegal use includes use of any illegal drug, misuse of legally prescribed drugs and use of illegally obtained prescription drugs.

ON OR OFF THE JOB VIOLATIONS

If an employee is arrested on or off the job for Driving While Impaired (DWI) or Driving Under the Influence (DUI) or for the use, sale, or possession of a controlled dangerous substance and it is found to have a direct relationship to the employee's job duties and responsibilities, appropriate disciplinary action may be taken. The employee is required to report the arrest to their supervisor/manager within forty-eight (48) hours of the incident. Failure to report an arrest may result in disciplinary action. The supervisor or manager will investigate the incident and inform Human Resources within two working days.

Conviction by a court for DWI or DUI while driving a County vehicle or equipment will result in a mandatory one-year suspension of County driving privileges and appropriate disciplinary action.

Conviction of an employee for the sale of or possession with intent to sell illegal drugs at any time or place is cause for immediate dismissal and may be disqualified from further consideration for County employment. The employee is required to report the conviction to their supervisor or manager.

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The use or possession of alcohol or illegal drugs off County premises and while not on duty where such conduct can be shown to have a direct and material adverse impact on the County's interests, including public image, may be cause for discipline.

Revised: November 5, 2002	Revised: January 2, 2008	
Revised: July 14, 2003	Revised: March 1, 2011	

Alcohol Prohibitions

This policy prohibits any alcohol misuse that could affect performance of a safety-sensitive function, particularly for positions requiring a CDL. Listed below are the prohibitions for alcohol misuse.

1. No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. No supervisor having actual knowledge that an employee has an alcohol concentration of 0.04 or greater shall permit the employee to perform or continue to perform safety-sensitive functions.
2. No employee shall use alcohol while performing safety-sensitive functions. No supervisor having actual knowledge that an employee is using alcohol while performing safety-sensitive functions shall permit the employee to perform or continue to perform safety-sensitive functions.
3. No employee shall perform safety-sensitive functions within four (4) hours after using alcohol. No supervisor having actual knowledge that an employee has used alcohol within four (4) hours shall permit an employee to perform or continue to perform safety-sensitive functions.
4. No employee required to take a post-accident alcohol test shall use alcohol for eight (8) hours following the accident or until he/she undergoes a post-accident alcohol test, whichever occurs first.
5. No employee shall perform safety-sensitive functions while the employee possesses wine, beer, and/or distilled spirits.
6. Refusal to submit to a required alcohol test.

If any of the above prohibitions are violated, the employee shall not perform, nor be permitted to perform, a safety-sensitive function. An employee removed from performing a safety-sensitive function because of a policy violation occurring in conjunction with 11,794 kilogram (26,001 pound) or greater vehicle in interstate or intrastate commerce also is prohibited from driving a 4,536 kilogram (10,001 pound) or greater vehicle in interstate commerce.